

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-18670 - APPLICANT/OWNER: ANA BELTRAN**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend DENIAL.

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-18672), Variance (VAR-18673), and Variance (VAR-18674), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 12/12/06, except as amended by conditions herein.
4. A Waiver from LVMC Title 19.10 is hereby approved, to allow zero landscaping planters in the parking lot where one is required for each six parking spaces.
5. A Waiver from LVMC Title 19.12 is hereby approved, to allow a five foot perimeter landscape buffers along the eastern and southern lot lines where ten feet is required, a five foot perimeter landscape buffers along the western lot line where 15 feet is required and 30 trees in the perimeter landscape buffer where 32 trees are required.
6. The standards for this development shall include a Minimum lot size of 6,500 square feet and Building height shall not exceed two stories or 35 feet, whichever is less.
7. The minimum distance between buildings shall be 5.5 feet.
8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

10. Air conditioning units shall not be mounted on rooftops.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

16. Driveways shall be designed, located and constructed to meet the intent of Standard Drawing #222a. Submit an application to the Land Development section of the Department of Public Works to allow a deviation from Standard Drawing #222a.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
18. Site development to comply with all applicable conditions of approval for ZON-18672 and all other subsequent site-related actions.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This request is for a Site Development Plan Review to site a multi-family apartment complex consisting of three buildings of four units each on 0.5 acres at the northwest corner of Poppy Lane and Paniflow Street. The applicant requests waivers of the perimeter landscape buffer requirements and the parking lot landscaping standards. This is in addition to Variances (VAR-18673 and VAR-18674) to allow deviations from standards for setbacks, residential adjacency, minimum building separation, and parking. A Rezoning (ZON-18672) to allow R-3 (Medium Density Residential) zoning where the property currently consists of undeveloped land that is zoned R-E (Residence Estates) is also for the subject site.

The applicant indicates that the proposed multi-family apartment complex will serve the demand for affordable housing while providing inspiration to surrounding property owners to improve the quality and look of the neighborhood. Due to the extent of the landscaping waivers and the requested variances, denial of this request is recommended.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>                            |  |
|--|--|
| 01/25/07   | <p>The Planning Commission recommended approval of ZON-18672 and denial of companion items VAR-18673 and VAR-18674 concurrently with this application.</p> <p>The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #51/rts).</p>  |
| <b><i>Related Building Permits/Business Licenses</i></b>   |  |
| There are no building permits or business licenses related to this project approved or under review. |  |
| <b><i>Pre-Application Meeting</i></b>  |  |
| 11/29/06   | A pre-application meeting was held and elements of this application were discussed. It was noted that the proposed density for this project is 14.49 units per acre and that 23 parking spaces would be the requirement. Additionally, it was noted that two variances would be needed to deal with setback and parking deficiencies. Public Works talked about half-street improvements; need to meet with flood control; traffic signal impact fees; and dedicating radius corners. Submittal requirements were discussed. |
| <b><i>Neighborhood Meeting</i></b>   |  |
| A neighborhood meeting is not required, nor was one held.  |  |
| <b><i>Details of Application Request</i></b>   |  |
| <b><i>Site Area</i></b>  |  |
| Net Acres  | 0.50   |

| Surrounding Property | Existing Land Use     | Planned Land Use               | Existing Zoning                  |
|----------------------|-----------------------|--------------------------------|----------------------------------|
| Subject Property     | Undeveloped           | M (Medium Density Residential) | R-E (Residence Estates)          |
| North                | Undeveloped           | M (Medium Density Residential) | R-E (Residence Estates)          |
| South                | Non-profit Apartments | M (Medium Density Residential) | R-3 (Medium Density Residential) |
| East                 | Apartments            | M (Medium Density Residential) | R-3 (Medium Density Residential) |
| West                 | Undeveloped           | L (Low Density Residential)    | R-E (Residence Estates)          |

| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            | X         | n/a               |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      |            | X         | n/a               |
| <b>Trails</b>                                     |            | X         | n/a               |
| <b>Rural Preservation Overlay District</b>        |            | X         | n/a               |
| <b>Development Impact Notification Assessment</b> |            | X         | n/a               |
| <b>Project of Regional Significance</b>           |            | X         | n/a               |

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following development standards apply:*

| <i>Standard</i>                 | <i>Required/Allowed</i> | <i>Provided</i>   | <i>Compliance</i> |
|---------------------------------|-------------------------|-------------------|-------------------|
| Min. Lot Size                   | 6,500 SF                | 21,681 SF         | Y                 |
| Min. Lot Width                  | n/a                     | n/a               | n/a               |
| Min. Setbacks                   |                         |                   |                   |
| • Front                         | 20 Feet                 | 5 Feet            | N *               |
| • Side                          | 5 Feet                  | 15.58 Feet        | Y                 |
| • Corner                        | 5 Feet                  | 47 Feet           | Y                 |
| • Rear                          | 20 Feet                 | 5 Feet            | N*                |
| Min. Distance Between Buildings | 10 Feet                 | 5.5 Feet          | Y                 |
| Max. Lot Coverage               | n/a                     | n/a               | n/a               |
| Max. Building Height            | 2 Stories or 35 Feet    | 2 Stories         | Y                 |
| Trash Enclosure                 | 1 Gated & Covered       | 1 Gated & Covered | Y                 |

\*A Variance (VAR-18673) is being heard concurrently with this item. If approved it would allow a front and rear setback of five feet where 20 feet would be required. Additionally, it would allow a distance between buildings of 5.5 feet where 10 feet would be required.

| <b>Residential Adjacency Standards</b> | <b>Required/Allowed</b> | <b>Provided</b> | <b>Compliance</b> |
|--|-------------------------|-----------------|-------------------|
| 3:1 proximity slope                    | 66 Feet                 | 33 Feet         | N*                |
| Adjacent development matching setback  | 15 Feet                 | 33 Feet         | Y                 |
| Trash Enclosure                        | 50 feet                 | 225 Feet        | Y                 |

\*A Variance (VAR-18673) is being heard concurrently with this item. If approved it would allow a residential adjacency setback of 33 feet where 66 feet would be required.

| <b>Existing Zoning</b>           | <b>Permitted Density</b> | <b>Units Allowed</b> |
|----------------------------------|--------------------------|----------------------|
| R-E (Residence Estates)          | 2 Units Per Acre         | 1 Unit               |
| <b>Proposed Zoning</b>           | <b>Permitted Density</b> | <b>Units Allowed</b> |
| R-3 (Medium Density Residential) | 25 Units Per Acre        | 12 Units             |
| <b>General Plan</b>              | <b>Permitted Density</b> | <b>Units Allowed</b> |
| M (Medium Density Residential)   | 25.49 Units Per Acre     | 12 Units             |

Pursuant to Title 19.10 and Title 19.12, the following landscaping standards apply:

| <b>Landscaping and Open Space Standards</b> |   |              |                 |                   |
|---|---|--------------|-----------------|-------------------|
| <b>Standards</b>                            | <b>Required</b>                               |              | <b>Provided</b> | <b>Compliance</b> |
|   | <b>Ratio</b>                                  | <b>Trees</b> |                 |                   |
| Parking Area                                | 1 Tree / 6 Spaces                             | 4 Trees      | Zero Trees      | N*                |
| Buffer:<br>Min. Trees                       | 1 Tree / 20 Linear Feet                       | 32 Trees     | 30 Trees        | N*                |
| <b>TOTAL</b>                                |   | 36 Trees     | 30 Trees        | N*                |
| Min. Zone Width                             | 10 Feet - ROW along eastern and southern P L  |              | 5 Feet          | N*                |
|   | 15 Feet – ROW along western P L               |              | 5 Feet          | N*                |
|   | 5 Feet – Interior Lot Line along northern P L |              | 10 Feet         | Y                 |

\* If approved this Site Development Plan Review would grant relief from the city standards for perimeter landscape buffers and parking area landscaping.

Pursuant to Title 19.04 and Title 19.10, the following parking standards apply:

| Parking Requirement      |                                     |  |           |              |           |              |            |
|--------------------------|-------------------------------------|--|-----------|--------------|-----------|--------------|------------|
| Use                      | Gross Floor Area or Number of Units | Required                               |           |              | Provided  |              | Compliance |
|                          |                                     | Parking Ratio                          | Parking   |              | Parking   |              |            |
|                          |                                     |  | Regular   | Handi-capped | Regular   | Handi-capped |            |
| Multi-Family Residential | 12 – 2 Bedroom Units                | 1.75 Spaces / Unit + 1 Space / 6 Units | 22 Spaces | 1 Space      | 17 Spaces | 1 Space      | N*         |

|   |                            |  |           |                  |    |
|---|----------------------------|--|-----------|------------------|----|
| <b>TOTAL</b><br>(including<br>handicap) | 12 – 2<br>Bedroom<br>Units | 1.75<br>Spaces /<br>Unit + 1<br>Space /<br>6 Units | 23 Spaces | 18 Spaces        | N* |
| Percent<br>Deviation                    |                            |  |           | ~21.5% Reduction |    |

\*A Variance (VAR-18674) is being heard concurrently with this item. If approved it would allow 18 parking spaces where 23 parking spaces are the minimum required.

| <b>Waivers</b>   |   |                             |
|--|---|-----------------------------|
| <b>Request</b>   | <b>Requirement</b>  | <b>Staff Recommendation</b> |
| To provide as little as five feet of perimeter landscape buffer along the western lot line along the ROW               | 15 FT   | Denial                      |
| To provide as little as five feet of perimeter landscape buffer along the southern and eastern lot lines along the ROW | 10 FT   | Denial                      |
| To provide no landscaping planters in the parking lot  | 4 – 5 FT Planters w/<br>1 - 24" Min. Box Tree per Planter | Denial                      |
| To provide 30 trees in the perimeter landscape buffers   | 32 - 24" Min. Box Trees                                   | Denial                      |

## ANALYSIS

The subject property is designated as M (Medium Density Residential) under the Southeast Sector Plan of the General Plan. This category permits a variety of multi-family units such as plexes, townhouses, and low-density apartments. This category allows up to 25.49 units per acre. The proposed development will have a density of 24 dwelling units per acre and is in compliance with the General Plan.

The proposed Rezoning (ZON-18672) to the R-3 (Medium Density Residential) zoning district, which would allow a residential density of 25 units per acre, is consistent with the existing M (Medium Density Residential) Master Plan designation. It would also make it consistent with surrounding land uses, which consist of multi-family development to the south and east of the property. The site plan proposes 12 apartments, which will result in a density of 24 units per acre. Given the existing M (Medium Density Residential) Master Plan designation, the requested rezoning request is appropriate for this site and staff is recommending approval of that item.

The project as proposed requires several deviations from development standards, including a parking variance (VAR-18674) and a setback, residential adjacency setback, and building separation variance (VAR-18673) which are also being heard concurrently with this item. Staff is recommending denial on both items due to the self-imposed hardship generated by the proposed project.

- Site Plan

The site lies between the parallel streets of McKnight Street and Paniflow Street where they intersect with Poppy Street. The site is currently an undeveloped parcel and is about 640 feet north of the intersection of McKnight Street and East Bonanza Road.

The proposed multi-family residential development requires 23 parking spaces. The submitted site plan indicates 18 spaces will be provided, including one handicap space depicted as van accessible. As noted above, a variance (VAR-18674) has been requested for an approximate 21.5 percent reduction in the number of required parking spaces and if approved would grant relief from the city standards.

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed multi-family residential use. However, there are minimum building separation standards that apply to the R-3 (Medium Density Residential) zoning category and the proposed site plan does not meet this development standard. The submitted site plan calls for building separation of 5.5 feet where the requirement is 10 feet.

The site is subject to the Residential Adjacency Standards due to the L (Low Density Residential) designated property to the west of this property. The Proximity Slope uses a 3:1 calculation for determining what the distance from a protected property to a building on the subject site may be. The proposed buildings are two stories and approximately 22 feet in height. Per the 3:1 slope requirement this would necessitate a residential adjacency setback of 66 feet. The nearest proposed building is only 33 feet from the property line of the protected property; therefore, a variance will be needed.

The proposed setback of five feet on the western side of the site does not meet the 20-foot setback requirements of the R-3 (Medium Density Residential) District or the 66-foot setback requirement of residential adjacency. Further, the proposed setback of five feet on the eastern side of the site does not meet the 20-foot setback requirements of the R-3 (Medium Density Residential) District. The applicant has requested a variance (VAR-18673) that if approved, would permit deviations from standards for the residential adjacency setback, the minimum separation between buildings, and the setbacks established for the proposed zoning district.

- Landscape Plan

The applicant is requesting that the perimeter landscaping buffer along the right-of-ways be considered adequate with five-foot planters screening the parking area and rock mulch in the buffer areas at the buildings where 10 feet is the minimum buffer width along the eastern and southern lot lines. Further, the perimeter landscape buffer requirements on the western side of the site require a waiver to allow as little as five feet of landscaping where 15 feet is the minimum required.

As a part of this review, the applicant requests a waiver of the parking lot landscaping requirement to allow zero parking lot landscaping where a minimum of one five-foot wide landscape planter finger for every six spaces is required. The site plan depicts 18 provided parking spaces which would require three planters each with a 24 inch box tree. Based on the Title 19 parking calculation for a 12-unit multi-family residential development consisting of two bedrooms per unit, the required 23 parking spaces would require four landscape planter fingers.

The landscape plan submitted indicates that intense landscaping will be placed along the northern property line to screen the development from future neighboring development. This landscaping buffer at 10 feet wide exceeds the five foot wide buffer width and the tree planting requirements.

The landscape waivers also request that 30 trees be required where one tree per 20 linear feet is the requirement. If granted, these waivers would reduce the planting requirements for this site from 32 trees to 30 within the perimeter landscape buffers and from four trees to zero within the parking lot landscape fingers for a total reduction of six trees on site.

- Elevations/Floor Plan

The building elevations depict a two-story building of a contemporary design with a pitched roof. The elevations indicate that each of the four units per building will have private entry via doors located on the east and west sides of the buildings. The second floors are accessed by stairwells that due to their position and size place the buildings too close together and necessitate the above referenced deviation from standards for minimum building separation.

The floor plan shows that each floor will have two units that include two bedrooms, a family room, bathroom, dining area, and kitchen. Additionally, the first floor units have a covered patio and the second floor units have a balcony. The covered patios and balconies are accessible from the family/dining room area and face toward the southern property line. Placing the covered patios and balconies on this side of the building will minimize visual intrusion into any future development on the property to the north of the subject site.



The companion rezoning request is appropriate for this site; however, due to the number of deviations and waivers required staff is recommending denial of this application.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent development in the surrounding area due to landscaping wavier requests and deviations from development standards.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

This proposed site plan is in compliance with the general plan designation of M (Medium Density Residential) and proposed zoning of R-3 (Medium Density Residential) on the site. However, the site is not consistent with Title 19.10 and Title 19.12 landscaping requirements. Further, the proposed site plan requires approval of variances for deviations of several development standards.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The subject site is adjacent to Poppy Street, a 60-foot wide local street that should be adequate to support the proposed use.

- 4. Building and landscape materials are appropriate for the area and for the City;**

The building elevations depict design and materials that will provide an aesthetically acceptable building and are compatible with the surrounding multi-family residential developments.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The proposed multi-family residential development will be compatible with other development in the area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The multi-family residential development will be subject to regular building inspections and therefore will not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 97 by Planning Department

**APPROVALS** 0

**PROTESTS** 0